

54TH CONGRESS
1ST SESSION

H. R. 5614

[Report No. 1051]

IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 1955

Mr. PRIEST (by request) introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

JULY 1, 1955

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend the Communications Act of 1934 in regard to protests of grants of instruments of authorization without hearing.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That subsection (c) of section 309 of the Communications
4 Act of 1934, as amended, is amended to read as follows:
5 “(c) When any instrument of authorization is granted
6 by the Commission without a hearing as provided in sub-
7 section (a) hereof, such grant shall remain subject to protest
8 as hereinafter provided for a period of thirty days. During
9 such thirty-day period any party in interest may file a pro-
10 test under oath directed to such grant and request a hearing

1 on said application so granted. Any protest so filed shall
2 be served on the grantee, shall contain such allegations of
3 fact as will show the protestant to be a party in interest,
4 and shall specify with particularity the facts relied upon by
5 the protestant as showing that the grant was improperly
6 made or would otherwise not be in the public interest. The
7 Commission shall, within thirty days of the filing of the
8 protest, render a decision making findings as to the sufficiency
9 of the protest in meeting the above requirements; and, where
10 it so finds, shall designate the application for hearing upon
11 issues relating to all matters specified in the protest as
12 grounds for setting aside the grant, except with respect to
13 such matters as to which the Commission, *after affording*
14 *protestant an opportunity for oral argument*, finds, for
15 reasons set forth in the decision, that, even if the facts
16 alleged were to be proven, no grounds for setting aside the
17 grant are presented. The Commission *may in such decision*
18 *redraft the issues urged by the protestant in accordance with*
19 *the facts or substantive matters alleged in the protest, and*
20 may also specify in such decision that the application be
21 set for hearing upon such further issues as it may prescribe,
22 as well as whether it is adopting as its own any of the
23 issues resulting from the matters specified in the protest.
24 In any hearing subsequently held upon such application
25 issues specified by the Commission upon its own initiative

1 or adopted by it shall be tried in the same manner provided
2 in subsection (b) hereof, but with respect to issues resulting
3 from ~~matters~~ *facts* set forth in the protest and not ~~specifically~~
4 *adopted or specified* by the Commission, *on its own motion*,
5 both the burden of proceeding with the introduction of evi-
6 dence and the burden of proof shall be upon the protestant.
7 The hearing and determination of cases arising under this
8 subsection shall be expedited by the Commission and pend-
9 ing hearing and decision the effective date of the Commis-
10 sion's action to which protest is made shall be postponed to
11 the effective date of the Commission's decision after hearing,
12 unless the authorization involved is necessary to the main-
13 tenance or conduct of an existing service, or unless the
14 Commission affirmatively finds for reasons set forth in the
15 decision that the public interest requires that the grant
16 remain in effect, in which event the Commission shall au-
17 thorize the applicant to utilize the facilities or authori-
18 zation in question pending the Commission's decision after
19 hearing."

Union Calendar No. 305

84TH CONGRESS
1ST SESSION

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